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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/742,329	12/19/2003	Bruce L. Brown JR.	022395-005800US	5765
46670 7590 04/01/2008 TOWNSEND AND TOWNSEND AND CREW LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER ALL FARIAD				
ART UNIT		PAPER NUMBER		
2146				
MAIL DATE		DELIVERY MODE		
04/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/742,329

Applicant(s)

BROWN ET AL.

Examiner

FARHAD ALI

Art Unit

2146

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 8-10, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (US 5,828,468 A) hereinafter Lee.

Claim 1

Lee teaches a method for detecting a spoofed network connection[[s]]
comprising:

receiving a connection from a client;

delaying sending a greeting message for a delay period, the delay period being less than or equal to a maximum tolerable delay, the maximum tolerable delay being the longest delay that would be tolerated by a valid client;

monitoring the connection during the delay period; and

if a command is received from the client before the greeting is sent, then identifying the connection as ~~a possible~~the spoofed connection (**[Lee] Column 3 Lines 13-57, “These and other objects of the invention may be accomplished by a method of providing a spoofing operation in a facsimile session over a digital data link. The method includes a step of receiving, at a first point of presence, a**

request to send a fax transmission over the digital data link. The request indicates a source fax machine that is making the request and indicating a destination fax machine that is to receive the fax transmission. The method also includes a step of determining, at the first point of presence, a maximum allowable reception time for receiving an acknowledgement of the request made by the source fax machine. The method further includes a step of relaying the request over the digital data link in a packetized format to a destination point of presence. The method also includes a step of monitoring, at the first point of presence, an elapsed time from when the request was received to determine if the maximum allowable reception time will be exceeded within a first amount of time. If the first amount of time is reached, the method includes a step of sending a signal corresponding to the acknowledgement of the request to the source fax machine irrespective of whether the destination fax machine is actually able to receive the fax transmission. The method also includes a step of determining, by the second point of presence, if the destination fax machine is able to accept the fax transmission. If the destination fax machine is determined to be able to accept the fax transmission, the method includes a step of receiving an acknowledgment signal sent by the destination fax machine at the second point of presence and relaying the acknowledgement signal sent by the destination fax machine to the first point of presence in the packetized form. If the signal corresponding to the acknowledgment of the request has already been sent to the source fax machine and if the acknowledgement signal relayed from the destination fax machine to

the first point of presence is received thereafter, the method includes a step of enabling start of the fax transmission. If no acknowledgement signal is received from the destination fax machine at the first point of presence within the maximum allowable 55 reception time, the method includes a step of disabling start of the fax transmission”).

Claim 2

Lee teaches the method of claim 1 further comprising:

sending the greeting to the client upon completion of the delay period **([Lee] See art cited in claim 1).**

Claim 8

Lee teaches a method for detecting a spoofed network connection[[s]] comprising:

receiving a first command at a server from a client;

delaying, for a delay period, a transmission of a reply associated with the first command, the delay period being less than or equal to a maximum tolerable delay, the maximum tolerable delay being the longest delay that would be tolerated by a valid client;

monitoring a connection between the server and the client during the delay period; and

if a second command is received at the server before the reply is transmitted, then identifying the connection as ~~a possible~~the spoofed connection ([Lee] Column 3 Lines 13-57, "These and other objects of the invention may be accomplished by a method of providing a spoofing operation in a facsimile session over a digital data link. The method includes a step of receiving, at a first point of presence, a request to send a fax transmission over the digital data link. The request indicates a source fax machine that is making the request and indicating a destination fax machine that is to receive the fax transmission. The method also includes a step of determining, at the first point of presence, a maximum allowable reception time for receiving an acknowledgement of the request made by the source fax machine. The method further includes a step of relaying the request over the digital data link in a packetized format to a destination point of presence. The method also includes a step of monitoring, at the first point of presence, an elapsed time from when the request was received to determine if the maximum allowable reception time will be exceeded within a first amount of time. If the first amount of time is reached, the method includes a step of sending a signal corresponding to the acknowledgement of the request to the source fax machine irrespective of whether the destination fax machine is actually able to receive the fax transmission. The method also includes a step of determining, by the second point of presence, if the destination fax machine is able to accept the fax transmission. If the destination fax machine is determined to be able to accept the fax transmission, the method includes a step of receiving an acknowledgment

signal sent by the destination fax machine at the second point of presence and relaying the acknowledgement signal sent by the destination fax machine to the first point of presence in the packetized form. If the signal corresponding to the acknowledgment of the request has already been sent to the source fax machine and if the acknowledgement signal relayed from the destination fax machine to the first point of presence is received thereafter, the method includes a step of enabling start of the fax transmission. If no acknowledgement signal is received from the destination fax machine at the first point of presence within the maximum allowable 55 reception time, the method includes a step of disabling start of the fax transmission”).

Claim 9

Lee teaches the method of claim 8 further comprising:

sending a greeting to the client when the connection is established with the server ([Lee] See art cited in claim 1).

Claim 10

Lee teaches the method of claim 8 further comprising:

transmitting the reply upon completion of the delay period ([Lee] See art cited in claim 1).

Claim 15

Lee teaches an apparatus for detecting a spoofed connection[[s]]
comprising:

means for detecting when a connection is established between the apparatus
and a client device;

means for transmitting a greeting message or a reply or both to the client device;

means for delaying the transmitting means so that the greeting message or the
reply or both are not transmitted during a delay period, the delay period being less than
or equal to a maximum tolerable delay, the maximum tolerable delay being the longest
delay that would be tolerated by a valid client; and

means for monitoring the connection to detect commands that are sent by the
client device at least during the delay period ([Lee] Column 3 Lines 13-57, "These
and other objects of the invention may be accomplished by a method of providing
a spoofing operation in a facsimile session over a digital data link. The method
includes a step of receiving, at a first point of presence, a request to send a fax
transmission over the digital data link. The request indicates a source fax
machine that is making the request and indicating a destination fax machine that
is to receive the fax transmission. The method also includes a step of
determining, at the first point of presence, a maximum allowable reception time
for receiving an acknowledgement of the request made by the source fax
machine. The method further includes a step of relaying the request over the
digital data link in a packetized format to a destination point of presence. The
method also includes a step of monitoring, at the first point of presence, an

elapsed time from when the request was received to determine if the maximum allowable reception time will be exceeded within a first amount of time. If the first amount of time is reached, the method includes a step of sending a signal corresponding to the acknowledgement of the request to the source fax machine irrespective of whether the destination fax machine is actually able to receive the fax transmission. The method also includes a step of determining, by the second point of presence, if the destination fax machine is able to accept the fax transmission. If the destination fax machine is determined to be able to accept the fax transmission, the method includes a step of receiving an acknowledgment signal sent by the destination fax machine at the second point of presence and relaying the acknowledgement signal sent by the destination fax machine to the first point of presence in the packetized form. If the signal corresponding to the acknowledgment of the request has already been sent to the source fax machine and if the acknowledgement signal relayed from the destination fax machine to the first point of presence is received thereafter, the method includes a step of enabling start of the fax transmission. If no acknowledgement signal is received from the destination fax machine at the first point of presence within the maximum allowable 55 reception time, the method includes a step of disabling start of the fax transmission”).

Claim 17

Lee teaches the apparatus of claim 15 wherein the detecting means, the transmitting means, the delaying means, and the monitoring means comprise one or more processor-based devices running software algorithms to provide the detecting, transmitting, delaying and monitoring functions ([Lee] See Figure 7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-7, 11-14, 16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 5,828,468 A) hereinafter Lee, in view of Aronson et al. (6,654,787 B1) hereinafter Aronson.

Claim 3

Lee does not specifically disclose the method of claim 1 further comprising:
processing any electronic mail associated with [[a]] the spoofed connection.

Aronson discloses a method for a mail server using Simple Mail Transfer Protocol (SMTP) on a network with User Agents (or MUAs) such that spam or unwanted mail can be filtered and stored in its own spam storage area ([Aronson] Col. 3, Lines 21-40, Col. 5, Lines 2-20) and ([Aronson] Abstract: mail server filters e-mail

messages, therefore processes any e-mail, regardless of what type of connection it is).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Lee's spoofing method with the email filtering system taught by Aronson, as Aronson's email filtering system is a well-known method already implemented on mail systems at the time of invention and was designed specifically to complement other spam methods as taught above. Lee's embodiment is taught with respect to a fax system; however it would be obvious to one of ordinary skill in the art at the time of invention to apply this technique to other well known means of data transmission. Such a method would also reduce the processing overhead of the mail systems by removing the need to process e-mails unwanted by a user without the use of any additional network resources as well.

Claim 4

Lee does not specifically disclose the method of claim 3 wherein ~~electronic mail associated with a spoofed connection~~ a spoofed-connection electronic-mail message is processed using a process selected from the group consisting of:

~~deleting a spoofed-connection electronic~~ the spoofed-connection electronic-mail message;

~~marking a spoofed-connection electronic~~ the spoofed-connection electronic-mail message; and

storing ~~a spoofed connection electronic~~ the spoofed-connection electronic-mail message in ~~an special~~-electronic directory.

Aronson discloses a method for a mail server using Simple Mail Transfer Protocol (SMTP) on a network with User Agents (or MUAs) such that spam or unwanted mail can be filtered and stored in its own spam storage area **([Aronson] Col. 3, Lines 21-40, Col. 5, Lines 2-20) and ([Aronson] Col. 4, Lines 13-16; deletes marked messages, which obviously can be of spammer source. Col. 5, Lines 2-8; marked messages stored as spam, which would be of spoofed- connection source. Col. 5, Lines 2-8; stored in its own spam storage area 230. Col. 9, Lines 1-6; proxy form has its spam storage area too).**

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Lee's spoofing method with the email filtering system taught by Aronson, as Aronson's email filtering system is a well-known method already implemented on mail systems at the time of invention and was designed specifically to complement other spam methods as taught above. Lee's embodiment is taught with respect to a fax system; however it would be obvious to one of ordinary skill in the art at the time of invention to apply this technique to other well known means of data transmission. Such a method would also reduce the processing overhead of the mail systems by removing the need to process e-mails unwanted by a user without the use of any additional network resources as well.

Claim 5

Lee does not specifically disclose the method of claim 1 wherein the connection is a Transmission Control Protocol (TCP) connection

Aronson discloses in **Col. 3, Lines 35-40; connections are TCP.**

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Lee's spoofing method with the email filtering system taught by Aronson, as Aronson's email filtering system is a well-known method already implemented on mail systems at the time of invention and was designed specifically to complement other spam methods as taught above. Lee's embodiment is taught with respect to a fax system; however it would be obvious to one of ordinary skill in the art at the time of invention to apply this technique to other well known means of data transmission. Such a method would also reduce the processing overhead of the mail systems by removing the need to process e-mails unwanted by a user without the use of any additional network resources as well.

Claim 6

Lee does not specifically disclose the method of claim 1 wherein the client is a Mail Transfer Agent (MTA) or Mail User Agent (MUA).

Aronson discloses in **Col. 3, Lines 35-40; since SMTP is used, clients are inherently MTAs or MUAs. Col. 3, Lines 21-30; user agent clients).**

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Lee's spoofing method with the email filtering system taught by Aronson, as Aronson's email filtering system is a well-known method already

implemented on mail systems at the time of invention and was designed specifically to complement other spam methods as taught above. Lee's embodiment is taught with respect to a fax system; however it would be obvious to one of ordinary skill in the art at the time of invention to apply this technique to other well known means of data transmission. Such a method would also reduce the processing overhead of the mail systems by removing the need to process e-mails unwanted by a user without the use of any additional network resources as well.

Claim 7

Lee does not specifically disclose the method of claim 1 wherein the received command is a Simple Mail Transfer Protocol (SMTP) command.

Aronson discloses in **Col. 3, Lines 39-40; SMTP**.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Lee's spoofing method with the email filtering system taught by Aronson, as Aronson's email filtering system is a well-known method already implemented on mail systems at the time of invention and was designed specifically to complement other spam methods as taught above. Lee's embodiment is taught with respect to a fax system; however it would be obvious to one of ordinary skill in the art at the time of invention to apply this technique to other well known means of data transmission. Such a method would also reduce the processing overhead of the mail systems by removing the need to process e-mails unwanted by a user without the use of any additional network resources as well.

Claim 11

Lee does not specifically disclose the method of claim 8 further comprising:
processing any electronic mail associated with the spoofed connection.

Aronson discloses a method for a mail server using Simple Mail Transfer Protocol (SMTP) on a network with User Agents (or MUAs) such that spam or unwanted mail can be filtered and stored in its own spam storage area ([Aronson] Col. 3, Lines 21-40, Col. 5, Lines 2-20) and ([Aronson] Abstract: mail server filters e-mail messages, therefore processes any e-mail, regardless of what type of connection it is).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Lee's spoofing method with the email filtering system taught by Aronson, as Aronson's email filtering system is a well-known method already implemented on mail systems at the time of invention and was designed specifically to complement other spam methods as taught above. Lee's embodiment is taught with respect to a fax system; however it would be obvious to one of ordinary skill in the art at the time of invention to apply this technique to other well known means of data transmission. Such a method would also reduce the processing overhead of the mail systems by removing the need to process e-mails unwanted by a user without the use of any additional network resources as well.

Claim 12

Lee does not specifically disclose the method of claim 8 wherein the connection is a Transmission Control Protocol (TCP) connection.

Aronson discloses in **Col. 3, Lines 35-40; connections are TCP.**

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Lee's spoofing method with the email filtering system taught by Aronson, as Aronson's email filtering system is a well-known method already implemented on mail systems at the time of invention and was designed specifically to complement other spam methods as taught above. Lee's embodiment is taught with respect to a fax system; however it would be obvious to one of ordinary skill in the art at the time of invention to apply this technique to other well known means of data transmission. Such a method would also reduce the processing overhead of the mail systems by removing the need to process e-mails unwanted by a user without the use of any additional network resources as well.

Claim 13

Lee does not specifically disclose the method of claim 8 wherein the client is a Mail Transfer Agent (MTA) or Mail User Agent (MUA).

Aronson discloses in **Col. 3, Lines 35-40; since SMTP is used, clients are inherently MTAs or MUAs. Col. 3, Lines 21-30; user agent clients).**

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Lee's spoofing method with the email filtering system taught by Aronson, as Aronson's email filtering system is a well-known method already

implemented on mail systems at the time of invention and was designed specifically to complement other spam methods as taught above. Lee's embodiment is taught with respect to a fax system; however it would be obvious to one of ordinary skill in the art at the time of invention to apply this technique to other well known means of data transmission. Such a method would also reduce the processing overhead of the mail systems by removing the need to process e-mails unwanted by a user without the use of any additional network resources as well.

Claim 14

Lee does not specifically disclose the method of claim 8 wherein the received command is a Simple Mail Transfer Protocol (SMTP) command.

Aronson discloses in **Col. 3, Lines 39-40; SMTP**.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Lee's spoofing method with the email filtering system taught by Aronson, as Aronson's email filtering system is a well-known method already implemented on mail systems at the time of invention and was designed specifically to complement other spam methods as taught above. Lee's embodiment is taught with respect to a fax system; however it would be obvious to one of ordinary skill in the art at the time of invention to apply this technique to other well known means of data transmission. Such a method would also reduce the processing overhead of the mail systems by removing the need to process e-mails unwanted by a user without the use of any additional network resources as well.

Claim 16

Lee does not specifically disclose the apparatus of claim 15 wherein the client device is a Mail Transfer Agent (MTA) or Mail User Agent (MUA).

Aronson discloses in **Col. 3, Lines 35-40; since SMTP is used, clients are inherently MTAs or MUAs. Col. 3, Lines 21-30; user agent clients).**

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Lee's spoofing method with the email filtering system taught by Aronson, as Aronson's email filtering system is a well-known method already implemented on mail systems at the time of invention and was designed specifically to complement other spam methods as taught above. Lee's embodiment is taught with respect to a fax system; however it would be obvious to one of ordinary skill in the art at the time of invention to apply this technique to other well known means of data transmission. Such a method would also reduce the processing overhead of the mail systems by removing the need to process e-mails unwanted by a user without the use of any additional network resources as well.

Claim 18

Lee does not specifically disclose the apparatus of claim 15 wherein the connection is a Transmission Control Protocol (TCP) connection.

Aronson discloses in **Col. 3, Lines 35-40; connections are TCP.**

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Lee's spoofing method with the email filtering system taught by Aronson, as Aronson's email filtering system is a well-known method already implemented on mail systems at the time of invention and was designed specifically to complement other spam methods as taught above. Lee's embodiment is taught with respect to a fax system; however it would be obvious to one of ordinary skill in the art at the time of invention to apply this technique to other well known means of data transmission. Such a method would also reduce the processing overhead of the mail systems by removing the need to process e-mails unwanted by a user without the use of any additional network resources as well.

Claim 19

Lee does not specifically disclose the apparatus of claim 15 wherein the commands are Simple Mail Transfer Protocol (SMTP) commands.

Aronson discloses in **Col. 3, Lines 39-40; SMTP.**

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Lee's spoofing method with the email filtering system taught by Aronson, as Aronson's email filtering system is a well-known method already implemented on mail systems at the time of invention and was designed specifically to complement other spam methods as taught above. Lee's embodiment is taught with respect to a fax system; however it would be obvious to one of ordinary skill in the art at the time of invention to apply this technique to other well known means of data

transmission. Such a method would also reduce the processing overhead of the mail systems by removing the need to process e-mails unwanted by a user without the use of any additional network resources as well.

Response to Arguments

4. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARHAD ALI whose telephone number is (571)270-1920. The examiner can normally be reached on Monday thru Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2146

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Farhad Ali/
Examiner, Art Unit 2146

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2146